

STATUTORY INSTRUMENTS

2006 No. 3295

TOWN AND COUNTRY PLANNING

The Town and Country Planning (Environmental Impact Assessment) (Amendment) Regulations 2006

Made - - - - *11th December 2006*
Laid before Parliament *18th December 2006*
Coming into force - - *15th January 2007*

The Secretary of State is a designated ^{M1} Minister for the purposes of section 2(2) of the European Communities Act 1972 ^{M2} in relation to the requirement for an assessment of the impact on the environment of projects likely to have significant effects on the environment. The Secretary of State accordingly makes the following Regulations, in exercise of the powers conferred by that section.

Marginal Citations

- M1** [S.I. 1988/785](#).
M2 [1972 c.68](#). The enabling powers of section 2(2) were extended by virtue of the amendment of section 1(2) by section 1 of the [European Economic Area Act 1993 \(c.51\)](#).

Citation, commencement and application

^{F1}1.

- F1** Regs. 1-21 revoked (E.) (24.8.2011) by [The Town and Country Planning \(Environmental Impact Assessment\) Regulations 2011 \(S.I. 2011/1824\)](#), reg. 1(1), **Sch. 5** (with reg. 65(2))

Amendment of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999

^{F1}2.

- F1** Regs. 1-21 revoked (E.) (24.8.2011) by [The Town and Country Planning \(Environmental Impact Assessment\) Regulations 2011 \(S.I. 2011/1824\)](#), reg. 1(1), **Sch. 5** (with reg. 65(2))

Application of the Regulations

F13.

F1 Regs. 1-21 revoked (E.) (24.8.2011) by [The Town and Country Planning \(Environmental Impact Assessment\) Regulations 2011 \(S.I. 2011/1824\)](#), reg. 1(1), **Sch. 5** (with reg. 65(2))

Amendment of regulation 2

F14.

F1 Regs. 1-21 revoked (E.) (24.8.2011) by [The Town and Country Planning \(Environmental Impact Assessment\) Regulations 2011 \(S.I. 2011/1824\)](#), reg. 1(1), **Sch. 5** (with reg. 65(2))

Amendment of regulation 4

F15.

F1 Regs. 1-21 revoked (E.) (24.8.2011) by [The Town and Country Planning \(Environmental Impact Assessment\) Regulations 2011 \(S.I. 2011/1824\)](#), reg. 1(1), **Sch. 5** (with reg. 65(2))

Amendment of regulation 7

F16.

F1 Regs. 1-21 revoked (E.) (24.8.2011) by [The Town and Country Planning \(Environmental Impact Assessment\) Regulations 2011 \(S.I. 2011/1824\)](#), reg. 1(1), **Sch. 5** (with reg. 65(2))

Amendment of regulation 8

F17.

F1 Regs. 1-21 revoked (E.) (24.8.2011) by [The Town and Country Planning \(Environmental Impact Assessment\) Regulations 2011 \(S.I. 2011/1824\)](#), reg. 1(1), **Sch. 5** (with reg. 65(2))

Amendment of regulation 9

F18.

F1 Regs. 1-21 revoked (E.) (24.8.2011) by [The Town and Country Planning \(Environmental Impact Assessment\) Regulations 2011 \(S.I. 2011/1824\)](#), reg. 1(1), **Sch. 5** (with reg. 65(2))

Amendment of regulation 13

F19.

F1 Regs. 1-21 revoked (E.) (24.8.2011) by [The Town and Country Planning \(Environmental Impact Assessment\) Regulations 2011 \(S.I. 2011/1824\)](#), reg. 1(1), **Sch. 5** (with reg. 65(2))

Amendment of regulation 14

^{F1}10.

F1 Regs. 1-21 revoked (E.) (24.8.2011) by [The Town and Country Planning \(Environmental Impact Assessment\) Regulations 2011 \(S.I. 2011/1824\)](#), reg. 1(1), **Sch. 5** (with reg. 65(2))

Amendment of regulation 15

^{F1}11.

F1 Regs. 1-21 revoked (E.) (24.8.2011) by [The Town and Country Planning \(Environmental Impact Assessment\) Regulations 2011 \(S.I. 2011/1824\)](#), reg. 1(1), **Sch. 5** (with reg. 65(2))

Amendment of regulation 16

^{F1}12.

F1 Regs. 1-21 revoked (E.) (24.8.2011) by [The Town and Country Planning \(Environmental Impact Assessment\) Regulations 2011 \(S.I. 2011/1824\)](#), reg. 1(1), **Sch. 5** (with reg. 65(2))

Amendment of regulation 19

^{F1}13.

F1 Regs. 1-21 revoked (E.) (24.8.2011) by [The Town and Country Planning \(Environmental Impact Assessment\) Regulations 2011 \(S.I. 2011/1824\)](#), reg. 1(1), **Sch. 5** (with reg. 65(2))

Amendment of regulation 20

^{F1}14.

F1 Regs. 1-21 revoked (E.) (24.8.2011) by [The Town and Country Planning \(Environmental Impact Assessment\) Regulations 2011 \(S.I. 2011/1824\)](#), reg. 1(1), **Sch. 5** (with reg. 65(2))

Amendment of regulation 21

^{F1}15.

F1 Regs. 1-21 revoked (E.) (24.8.2011) by [The Town and Country Planning \(Environmental Impact Assessment\) Regulations 2011 \(S.I. 2011/1824\)](#), reg. 1(1), **Sch. 5** (with reg. 65(2))

Amendment of regulation 22

^{F1}16.

F1 Regs. 1-21 revoked (E.) (24.8.2011) by [The Town and Country Planning \(Environmental Impact Assessment\) Regulations 2011 \(S.I. 2011/1824\)](#), reg. 1(1), **Sch. 5** (with reg. 65(2))

Planning permission granted by local development order

^{F1}17.

F1 Regs. 1-21 revoked (E.) (24.8.2011) by [The Town and Country Planning \(Environmental Impact Assessment\) Regulations 2011 \(S.I. 2011/1824\)](#), reg. 1(1), **Sch. 5** (with reg. 65(2))

Amendment of regulation 25

^{F1}18.

F1 Regs. 1-21 revoked (E.) (24.8.2011) by [The Town and Country Planning \(Environmental Impact Assessment\) Regulations 2011 \(S.I. 2011/1824\)](#), reg. 1(1), **Sch. 5** (with reg. 65(2))

Amendment of regulation 27

^{F1}19.

F1 Regs. 1-21 revoked (E.) (24.8.2011) by [The Town and Country Planning \(Environmental Impact Assessment\) Regulations 2011 \(S.I. 2011/1824\)](#), reg. 1(1), **Sch. 5** (with reg. 65(2))

Amendment of regulation 28

^{F1}20.

F1 Regs. 1-21 revoked (E.) (24.8.2011) by [The Town and Country Planning \(Environmental Impact Assessment\) Regulations 2011 \(S.I. 2011/1824\)](#), reg. 1(1), **Sch. 5** (with reg. 65(2))

Consequential Amendment

^{F1}21.

F1 Regs. 1-21 revoked (E.) (24.8.2011) by [The Town and Country Planning \(Environmental Impact Assessment\) Regulations 2011 \(S.I. 2011/1824\)](#), reg. 1(1), **Sch. 5** (with reg. 65(2))

Projects serving national defence projects in Scotland, Wales and Northern Ireland

^{F2}22.

F2 Reg. 22 revoked (E.) (24.8.2011) by [The Town and Country Planning \(Environmental Impact Assessment\) Regulations 2011 \(S.I. 2011/1824\)](#), reg. 1(1), **Sch. 5** (with reg. 65(2))

Amendment of Schedule 1

23. [^{F3}In Schedule 1, after paragraph 20, add—

“21. Any change to or extension of development listed in this Schedule where such a change or extension itself meets the thresholds, if any, or description of development set out in this Schedule.”.]

F3 Reg. 23 revoked (24.8.2011) by [The Town and Country Planning \(Environmental Impact Assessment\) Regulations 2011 \(S.I. 2011/1824\)](#), reg. 1(1), **Sch. 5** (with reg. 65(2))

Amendment of Schedule 2

24. [^{F4}In Schedule 2, in paragraph 13(a) in column 1 (description of development), after “in Schedule 1” insert “ (other than a change or extension falling within paragraph 21 of that Schedule) ”.]

F4 Reg. 24 revoked (E.) (24.8.2011) by [The Town and Country Planning \(Environmental Impact Assessment\) Regulations 2011 \(S.I. 2011/1824\)](#), reg. 1(1), **Sch. 5** (with reg. 65(2))

Signed by authority of the Secretary of State

Department for Communities and Local
Government

Kay Andrews
Parliamentary Under Secretary of State

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 in respect of England only, though regulation 22 inserts provisions that also apply in relation to Scotland, Wales and Northern Ireland.

The Regulations give effect to Article 3 of Directive [2003/35/EC](#) of the European Parliament of the Council of 26 May 2003 (OJ L 156, 25.6.2003, p17) (“the Directive”) in so far as it affects public participation in the decision making process for applications and appeals relating to development for which environmental impact assessment is required. The Directive provides for public participation in respect of the drawing up of certain plans and programmes relating to the environment and amends with regard to public participation and access to justice Council Directives [85/337/EEC](#) (OJ L 175, 5.7.1985, p.40) as amended by Directive [97/11/EC](#) (OJ L 73, 14.3.1997, p.5) and [96/61/EC](#) (OJ L 257, 10.10.1996).

The Regulations also apply the requirements of Council Directive [85/337/EEC](#), which requires the assessment of the likely environmental effects of major new development, to local development orders. Local development orders made under section 61A of the Town and Country Planning Act 1990 grant planning permission for development specified in the order or for development of any class specified.

Regulation 3 amends regulation 1 to provide that regulations 36 to 38, inserted by these Regulations, shall apply to Scotland, Wales and Northern Ireland respectively.

Regulation 4 makes amendments to the definitions of “consultation bodies”, “environmental information”, “exempt development”. It inserts new definitions of “by local advertisement” which provides another means of publicity using electronic means; “any other information”, to apply to information other than that contained in the environmental statement and further information; “any particular person”, which includes non-governmental organisations that promote environmental protection; “local development order” and “LDO”.

Regulation 5 amends the Secretary of State's ability to direct that a particular proposed development is exempted from the application of these Regulations. The Secretary of State may also direct that these Regulations will not apply to an application for development serving national defence purposes, where compliance is likely to have an adverse effect on such purposes. The regulation has been amended as a consequence of the removal of the exemption for national defence projects by Article 3(2) of the Directive.

Regulations 6 to 10 insert provision for persons and environmental organisations likely to be affected by or having an interest in an application to be notified.

Regulations 9, 11, 12, 16 and 17 reduce the number of copies of the environmental statement or further information to be sent to the Secretary of State.

Regulations 13, 14, 18 and 19 extend the requirements in relation to further information to any other information provided by the applicant relating to the environmental statement.

Regulation 15 amends regulation 21 (duties to inform the public and the Secretary of State of final decision) and requires more extensive notification of decisions and information to be provided on the right to challenge the decision.

Regulation 17 inserts regulation 24A, which applies the requirements of Council Directive [85/337/EEC](#), the environmental impact assessment directive, to local development orders.

Regulation 21 is a consequential amendment brought about by changes to article 20 of the Town and Country Planning (General Development Procedure) Order 1995 made by SI 2006/1062.

Regulation 22 inserts regulations 36 to 38. The requirements of Directive [85/337/EEC](#) may not apply to projects serving national defence purposes, where otherwise their application might have an adverse effect on those purposes. The decision whether the requirements of the Directive

should apply to such projects must be taken on a case by case basis. For developments that comprise or form part of a project serving national defence purposes situated in the areas of the devolved administrations, the decision not to apply the requirements of the Directive, as transposed by the relevant devolved administrations, will be taken by the Secretary of State, because national defence is a reserved matter. The Secretary of State may issue a direction that such projects are exempt from the relevant EIA requirements where, in her opinion, compliance with the relevant provisions will have an adverse effect on national defence purposes. Prior to making a direction, the Secretary of State shall notify the relevant devolved administration. Regulations 23 and 24 amend Schedules 1 and 2 in line with the new category introduced into Annex 1 of the Directive. This new category of project is a change to or extension of a Schedule 1 project where the change or extension itself meets the Schedule 1 thresholds for that type of project.

A Regulatory Impact Assessment has been prepared in relation to the Regulations. It has been placed in the Library of each House of Parliament and copies may be obtained from the Department for Communities and Local Government, Eland House, Bressenden Place, London SW1E 5DU.

Changes to legislation:

There are currently no known outstanding effects for the The Town and Country Planning (Environmental Impact Assessment) (Amendment) Regulations 2006.